

REMARKS

In the outstanding official Action, it was indicated that claims 1-5 and 7 were allowed over the prior art of record in view of the arguments presented in the last amendment. However, claim 9 was rejected under 35 USC 101 because the claimed invention was deemed to be directed to non-statutory subject matter, namely a "program" *per se* as recited in the preamble.

In response, and in order to put the instant application in better condition for allowance, claim 9 is herewith amended to delete the recitation of a computer program in the preamble, and the claim has been amended along the lines suggested to comprise statutory subject matter in the Action.

More specifically, claim 9, as herewith amended, now recites a computer readable medium encoded with a data structure, a recitation suggested in the Action to define structural and functional interrelationships in a statutory manner, with all references to a computer program having been deleted from the claim.

In view of the foregoing amendments and remarks, it is respectfully submitted that claim 9, as herewith amended to recite statutory subject matter, is now in condition for allowance. Accordingly, entry of this amendment, reconsideration of the

rejection of claim 9, and allowance of this application are
earnestly solicited.

Respectfully submitted,

By

Steven R. Biren, Reg. No. 26,531
Attorney
(914) 333-9630